

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

Joseph A. DiMino, Jr.

Case No.: 23-30672-WAK

Debtor.

Chapter 13

**AFFIDAVIT OF NON-COMPLIANCE
AND EX-PARTE ORDER LIFTING AUTOMATIC STAY**

Tyler J. O'Neill, Esq., an attorney duly admitted to practice before this Court, affirms,
under penalty of perjury, that:

1. I am in-house for M&T Bank and I am familiar with the facts and circumstances of this case.
2. On January 30, 2024, a Conditional Order was granted by Hon. Wendy A. Kinsella providing for, among other things, the timely payment of regular monthly payments on the Debtor's 2015 Mercedes-Benz C-Class motor vehicle bearing vehicle identification number 55SWF4KB8FU031553 (the "Collateral"), and further providing that in the event of a default, M&T Bank would give a ten-day notice of default and if the default was not cured, M&T Bank may submit to the Court an order vacating the automatic stay. A copy of said order is attached hereto as Exhibit "A."
3. Debtor has defaulted under the terms of the Conditional Order by failing to make regular post-petition payments due for November 2024 and for every month thereafter. As per the terms of the Conditional Order, a ten-day notice of default was submitted to the debtor and their attorney. A copy of said notice is attached hereto as Exhibit "B."
4. To date, the aforesaid default has not been cured.

WHEREFORE, M&T Bank respectfully requests that an Order be granted lifting and vacating the automatic stay as it relates to the Collateral identified above and any further relief as this Court may deem just and proper.

Dated: April 9, 2025

M&T Bank

/s/ Tyler J. O'Neill

Tyler J. O'Neill

In-house counsel for M&T Bank

One M&T Plaza, 8th Floor

Buffalo, NY 14203

Tel: (716) 374-4901

toneill3@mtb.com